

On August 1, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 103 cans of Eggomix at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 1, 1942, by the U. S. Cold Storage Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Eggomix Egg Whites Containing a small percentage of yolks Distributed by Standard Brands Incorporated New York City."

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4153. Adulteration of albumen skimmings. U. S. v. 5½ Barrels and 16 Barrels of Albumen Skimmings. Consent decrees of condemnation. Product ordered released under bond to be denatured. (F. D. C. Nos. 8101, 8309. Sample Nos. 2207-F, 2210-F.)

Samples of this product were found to be decomposed and to contain insects, larvae, and insect fragments.

On August 13 and September 10, 1942, the United States attorney for the Northern District of Illinois filed a libel against 21½ barrels, each full barrel containing approximately 180 pounds, of albumen skimmings at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 17, 1942, by Joe Lowe Corporation from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On August 21 and September 17, 1942, the Joe Lowe Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and used for purposes other than human food.

FISH AND SHELLFISH

4154. Adulteration of frozen mullet. U. S. v. 72 Boxes of Fish. Default decree of condemnation and destruction. (F. D. C. No. 8160. Sample Nos. 28635-F, 28636-F.)

On August 24, 1942, the United States attorney for the Southern District of Florida filed a libel against 72 boxes, each containing 100 pounds, of frozen fish at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about June 25, 1942, by Johnson & Co., Inc., from Atlanta, Ga.; and charging that it was adulterated, in that it consisted wholly or in part of a decomposed substance.

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4155. Adulteration of canned mackerel. U. S. v. 9,551 Cases and 3,643 Cases of Canned Mackerel. Decrees of condemnation. Product ordered released under bond. (F. D. C. No. 6821. Sample Nos. 23749-E, 23751-E, 23752-E.)

On February 5 and 16, 1942, the United States attorney for the Northern District of California filed libels against a total of 13,194 cases, each containing 24 cans, of mackerel at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about December 12, 1941, by the Quartermaster Corps from Schenectady, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Davis Bros. Atlantic Ocean Mackerel * * * Davis Bros. Fisheries Co., Inc., Gloucester, Mass." or "Gorton's Atlantic Ocean Mackerel * * * Packed by Gorton-Pew Fisheries Co., Ltd., Gloucester, Mass."

On April 22 and July 28, 1942, the Gorton-Pew Fisheries Co., Ltd., having filed a claim for the 3,643-case lot, and Davis Bros. Fisheries Co., Inc., having filed a claim for the 9,551-case lot, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

4156. Misbranding of sardines. U. S. v. 1,850 Cases of Sardines. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 8387. Sample No. 22536-F.)

This product was short of the declared weight.

On September 18, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1,850 cases, each containing 48 tins, of sardines

at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by Jack Gomperts & Co. from San Francisco, Calif.; and charging that it was misbranded in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents. It was labeled in part: "Rio Del Mar Brand * * * Contents 8 Oz. Avoir. or 227 Grams * * * Packed by Del Mar Canning Co., Monterey, Calif."

On October 5, 1942, the Del Mar Canning Co. of Monterey, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4157. Misbranding of canned tuna fish. U. S. v. New York Wholesale Grocery Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 2864. Sample Nos. 10412-E to 10414-E, incl.)

On September 28, 1942, the United States attorney for the Southern District of New York filed an information against the New York Wholesale Grocery Co., Inc., New York, N. Y., alleging that between December 19, 1939, and March 22, 1940, the defendant received from the French Sardine Co., Inc., of Terminal Island, Calif., two consignments of food contained in unlabeled cans; that the cans were shipped in cases labeled "48½ Unlabeled Bonita SS 25 Mann N. Y. W. G. Co."; that thereafter and between the above dates and while the article was being held by the defendant for sale after shipment in interstate commerce, the defendant unlawfully affixed and caused to be affixed to a number of the cans a label bearing the following statements and design: "New York's Best Brand Light Meat Tuna Fish [design of a tuna fish] Contents 7 Ozs. Quality NYB Foods. New York Wholesale Grocery Co., Inc. Distributors, New York, N. Y." The information alleged further that the acts of the defendant of affixing and causing the labels to be affixed to the said cans resulted in the article being misbranded (1) in that the statement "Light Meat Tuna" was false and misleading since the article did not consist of light meat tuna but consisted of bonita; (2) in that it was offered for sale under the name of another food, i. e., light meat tuna; and (3) in that the labels did not bear the common or usual name of the article, namely, bonita.

On October 6, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

4158. Adulteration of crab meat. U. S. v. 3 Barrels and 3 Barrels of Crabmeat. Default decrees of condemnation and destruction. (F. D. C. Nos. 8084, 8131. Sample Nos. 24018-F, 24021-F.)

This product was contaminated with fecal *Esch. coli*.

On July 28 and 31, 1942, the United States attorney for the District of Maryland filed libels against 6 barrels, containing a total of 420 1-pound cans, of crab meat at Crisfield, Md., which had been consigned by L. R. Carson, Inc., alleging that the article had been shipped in interstate commerce on or about July 28, 1942, from Tangier, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance. The article was labeled in part: (Embossed on cans) "Crabmeat 1 Lb. Net L. R. Carson, Inc. Crisfield, Md."

On September 2 and 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FLAVORS, SPICES AND CONDIMENTS

4159. Adulteration and misbranding of vanilla flavor. U. S. v. Joseph Frimel, Jr., (Commercial Coffee Co.). Plea of nolo contendere. Fine, \$400. (F. D. C. No. 7229. Sample Nos. 73319-E, 73320-E.)

On August 22, 1942, the United States attorney for the Eastern District of Missouri filed an information against Joseph Frimel, Jr., trading as the Commercial Coffee Co. at St. Louis, Mo., alleging shipment on or about July 17 and August 7, 1941, from the State of Missouri into the State of Oklahoma of a number of jugs of vanilla flavor which was adulterated and misbranded. The article was labeled in part: (Jugs) "Chef's Delight Brand * * * Standard Vanilla Flavor R. J. Diehl Flavoring Ext. Co. St. Louis, Mo.," or (carton containing 4 jugs, shipment of July 17) "Std. Vanilla Extr."

The article was alleged to be adulterated in that a water alcohol solution of ethyl vanillin, coumarin, and caramel color had been substituted in whole or in part for standard vanilla flavor, or standard vanilla extract, which it purported to be.

It was alleged to be misbranded (1) in that the statements "Standard Vanilla Flavor" and "Std. Vanilla Extr." were false and misleading; (2) in that it was